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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,634	03/23/2001	Roni Koren	CD-1	7112
1473 7590 02/11/2008 ROPES & GRAY LLP PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704				
EXAMINER KARMIS, STEFANOS				
ART UNIT 3693		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/816,634

Applicant(s)

KOREN, RONI

Examiner

STEFANOS KARMIS

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-174 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-174 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 20 November 2007.

Status of Claims

2. Claims 1, 59 and 117 are currently amended. Claims 1-174 are currently pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-174 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-174 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara U.S. Patent 6,577,861 in view of Shimada et al. (hereinafter Shimada) U.S. Patent 6,396,919 in further view of Simon U.S. Patent 6,974,078.

Regarding independent claims 1, 59 and 117, Shimada teaches a transaction method comprising: registering at least one available transaction; assigning to said at least one available transaction a transaction code to be publicized (column 15, line 63 thru column 16, line 30); registering at least one user, said registering including recording payment information from each said at least one user (column 7, lines 37-45 and column 10, lines 16-20); assigning a personal identification code to each said at least one user (column 7, lines 54-67 and column 9, lines 20-33); accepting automatically an aural communication including said personal identification code and said transaction code (column 11, lines 30-60 and column 15, line 44 thru column 16, line 19); and arranging said at least one available transaction to be completed for said at least one user, including arranging to have payment collected based said recorded payment information (column 13, lines 54-64 and column 16, lines 31-38). Applicant has amended the application to specify that transaction code is published with an access identifier (e.g. a telephone number) which is used to accept the aural communication. Applicant has also amended the claim to include customer shipping information.

Ogasawara teaches registering at least one available transaction, wherein the at least one available transaction is associated with a vendor (column 9, lines 41-59; products available for transactions are registered in the catalog); assigning to said at least one available transaction a transaction code wherein the transaction code is publicized with an access identifier separate from where the transaction code is accepted (column 9, lines 41-47 and column 11, lines 13-22; Examiner notes that the products are registered with the vendor by codes such as UPC and SKU and are made available away from the store in a catalog); registering at least one user, said registering including recording shipping information and payment information from each said at

least one user (column 13, lines 9-18); assigning a personal identification code to each said at least one user (column 13, lines 9-18 and column 13, lines 27-32); accepting automatically an aural communication addressed to the access identifier, said communication including at least one of said personal identification code and said transaction code (column 10, lines 5-32 and column 10, lines 63 thru column 11, line 23 and column 16, lines 11-41); and arranging said at least one available transaction to be completed for said at least one user, including arranging to have payment collected based said recorded payment information and sending the at least one vendor a transaction order comprising said recorded shipping information (column 13, lines 9-18 and column 14, lines 11-26).

Ogasawara teaches receiving advertisement and catalogs, but fails to specifically teach that the received catalog is an advertising medium. Simon teaches that a user obtains a product code from a magazine, flier or catalog (column 4, lines 11-23) and the user can use a cellular phone and punch in using the keypad the code and purchase the product (column 2, lines 52 thru column 3, line 10 and column 3, lines 26-31). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Ogasawara to include that the transaction code is to be published in an advertisement rather than a catalog because it allows for product information to be distributed to many users to encourage purchase of the product using the transaction/product code in an analogous manner in which the code would be inserted into a catalog.

Claim 2, 60 and 118 Shimada teaches wherein said accepting comprises accepting automatically an aural communication from any one of at least two communications networks

that each provide communications based on a different communications protocol (column 5, line 66 thru column 6, line 41).

Claim 3, 23, 61, 81, 119 and 139 Shimada teaches wherein said communication occurs over a landline telephonic aural telephone (column 6, lines 61-67).

Regarding claims 4, 15, 24, 35, 52, 62, 73, 82, 93, 110, 120, 131, 143, 151 and 168, Ogasawara teaches that the electronic shopping system facilitates shopping using a wireless telephone as a transaction device (column 2, lines 35-60).

Claim 5, 25, 42, 63, 83, 100, 121, 141 and 158 Shimada teaches wherein said registering at least one user includes recording at least one telephone number of said at least one user, said method further comprising detecting a telephone number from which said telephonic aural communication originates, and said accepting includes verifying that said telephonic aural communication originates from one of said at least one recorded telephone numbers of said at least one user (column 8, lines 1-7).

Claim 6, 26, 43, 64, 84, 101, 122, 142 and 159 Shimada teaches wherein said registering at least one user includes recording at least one communications address of said at least one user, said method further comprising detecting a communications address from which said telephonic aural communication originates, and said accepting includes verifying that said telephonic aural

communication originates from one of said at least one recorded communications addresses of said at least one user (column 15, lines 22-37).

Regarding claims 7, 27, 44, 65, 85, 102, 123, 143 and 160, Ogasawara teaches a telephony system in which a shipping address is used to designate where advertised items are to be delivered (column 13, lines 9-18).

Claim 8, 28, 45, 66, 86, 103, 124, 144 and 161 Shimada teaches further comprising confirming that said at least one user desires said at least one available transaction (column 11, lines 20-60).

Claim 9, 29, 46, 67, 87, 104, 125, 145 and 162 Shimada teaches further comprising accepting said telephonic aural communication as one number that is entered by said at least one user to include said personal identification code and said transaction code (column 14, lines 7-23 and column 10, line 63 thru column 11, line 60).

Claim 10, 30, 47, 68, 88, 105, 126, 146 and 163 Shimada teaches wherein said arranging comprises arranging said at least one available transaction automatically in response to said accepting (column 6, lines 10-23).

Claim 11, 31, 48, 69, 89, 106, 127, 147 and 164 Ogasawara teaches wherein said aural communication is a voice communication (column 14, lines 50-62).

Claim 12, 32, 49, 70, 90, 107, 128, 148 and 165 Shimada teaches further comprising recognizing said personal identification code when said personal identification code is spoken in said aural voice communication, and wherein said accepting comprises accepting automatically said aural voice communication based on said recognizing (column 8, lines 50-64).

Claim 13, 33, 50, 71, 91, 108, 129, 149 and 166 Shimada teaches wherein said registering at least one user comprises recording a signature of said at least one user speaking said personal identification code, said method further comprising comparing said signature with said personal identification code spoken in said aural voice communication, and said accepting comprising accepting automatically said aural voice communication based on said comparing (column 8, lines 50-64).

Claim 14, 34, 51, 72, 92, 109, 130, 150 and 167 Shimada teaches wherein said at least one user is one of a plurality of registered users that each have a different user terminal platform and wherein said accepting comprises accepting aural communications from each of said different user terminal platforms.

Claims 16, 36, 53, 74, 94, 111, 132, 152 and 169 Shimada teaches wherein said aural communication comprises dual-tone/multi-frequency entries (column 10, line 64 thru column 11, line 19).

Claims 17, 37, 54, 75, 95, 112, 133, 153 and 170, Shimada teaches further comprising registering one transaction that is available from said at least one user when said at least one user is registered (column 15, line 63 thru column 16, line 30).

Claims 18, 19, 38, 39, 55, 56, 76, 77, 96, 97, 113, 114, 134, 135, 154, 155, 171 and 172, were previously rejected under Official Notice that registering a vendor is old and well known in the financial arts. U.S. Patent 6,212,262 was provided for the teaching of transactions between customers and merchants where merchants register with the transaction system.

Claims 20, 40, 57, 78, 98, 115, 136, 156 and 173 Shimada teaches wherein said registering at least one transaction comprises registering two transactions for two different locations, said assigning a transaction code comprises assigning to each of said two transactions said transaction code, said accepting comprises determining a location of said at least one user, and said method further comprising locating from where said communication is sent to identify one of said two transactions (column 15, line 63 thru column 16, line 30).

Claims 21, 41, 58, 79, 99, 116, 137, 157 and 174, Shimada teaches wherein said personal identification code is a unique identification code (column 7, lines 54-67).

Claims 22, 80 and 138, Shimada teaches wherein said aural communication is telephonic (column 6, lines 61-67).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
/Stefanos Karmis/
Art Unit 3693
01 February 2008